



Why Utah? The “Reddest of Red States” and inclusive immigration reform



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ABSTRACT

In Spring 2011, the Utah Legislature crafted a series of primarily inclusive immigration bills that became known as the “Utah Solution” to immigration reform. This package of bills passed both the Utah House and Senate and was signed into law by the Republican Governor. This case study provides an in-depth answer to the question “why Utah?”—a state with a rapidly growing foreign-born population, highly Republican both in its citizenry and legislative body, lacking a professional legislature and bordering a state that passed the toughest immigration law in the country—passed inclusive immigration policy. Detailed interviews with those responsible for producing the Utah Compact and involved in the policy process suggest important factors that have gone unexamined in previous work on state immigration policies, in this case a state Compact on immigration and the role of religion. Examination of both aid in providing a fuller understanding of predictors of state immigration policy.

The findings make several contributions to the emerging literature on predictors of state policies. First, our study advances this research by incorporating two variables understudied in the literature to date—a state Compact on immigration and the role of the dominant religion in the state. Second, our study shows the importance of a better understanding of dynamics as they play out in influencing state immigration legislation. The study findings also show the need for multiple methods to gain a fuller understanding of why states pass the immigration legislation they do. A fuller understanding of predictors may then help to anticipate the legislation that will be passed, and the impacts of this legislation on immigrants.

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In Spring 2011, the Utah Legislature crafted a series of primarily inclusive immigration bills that became known as the “Utah Solution” to immigration reform. This package of bills passed both the Utah House and Senate and was signed into law by Republican Governor Gary Herbert on March 15, 2011 (Montero, 2011b). A National Public Radio story on the legislation stated, “If you were to choose a

state that would allow illegal immigrants to work and drive without fear of deportation, you probably wouldn’t pick Utah” (Liasson, 2011). And the *Wall Street Journal* editorialized: “Believe it or not, illegal immigration is dominating the final days of the legislative session in Utah. Even more remarkable, lawmakers in this reddest of states are considering an approach to the problem that contrasts sharply with neighboring Arizona’s decision to double-down on enforcement” (Riley, 2011). What factors explain this inclusive immigration legislation in Utah, the most Republican (Wasserman, 2013), most ideologically conservative (Erikson, Wright, & McIver, 1993, p. 17) and, up to

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this point in time, a state that had much more restrictive immigration policies? In this case study, we address this change in policy patterns, providing specific factors that, to date, have not been accounted for in the research on predictors of state immigration policy.

We argue two overlooked, yet critical predictors in state immigration policies may be that of (1) a State Compact on Immigration—a document whose purpose is to guide state immigration discussions and (2) the role of the dominant religion in the state. We examine the role these factors played in Utah's most recent immigration legislation. In Spring 2010, several organized interests who preferred a welcoming immigrant policy—some for economic reasons and others for moral reasons—came together to make a strong and successful push for such a policy in Utah. The “Utah Compact” (Appendix A) on immigration was the result of this action, a policy narrative these organized interests wanted reflected in future immigration legislation. The Utah Compact espoused five core principles: (1) immigration is a federal issue that should be handled by the federal government, (2) law enforcement resources should focus on criminal activities rather than civil code violations, (3) families, and keeping families together, are important, (4) acknowledgment of the invaluable role immigrants play in Utah's economy, and (5) Utah must adopt a humane approach for dealing with the immigrants that are already embedded within its communities (Utah Compact, 2013). While the Church of Jesus Christ of Latter Day Saints (hereafter LDS Church), the dominant religion in Utah, was not involved in authoring the Compact, they issued a statement in support of the Compact the day of the press conference releasing the Compact. We argue these dynamics of a state Compact and the role of religion are important factors that must be examined in order to more fully understand state immigration policy, and the factors explaining a more inclusive or restrictive policy taken.

This need for understanding predictors of state legislation is critical for several reasons. There has been an increase in adoption of state immigration Compacts (in addition to Utah, seven other states have adopted Compacts on immigration¹). Furthermore, there has been an increase in the “chorus of religious voices in favor of liberal immigration reform” in recent years (Nteta & Wallsten, 2012, p. 891). Yet, “scant attention” has been paid to the role of religious leaders in influencing attitudes toward immigration. Even less attention has been paid to the role of religion on influencing immigration legislation. In addition, despite the growing literature on predictors of state policies, the “politics of state immigrant policy making are not well understood” (Turner & Sharry, 2012, p. 985). We argue this is due, in part, because of lack of case studies on state predictors. As Freeman and Tendler (2012, p. 338) note in their work on immigration policy, “in-depth case studies of immigration policymaking... are a good avenue for advancing research agendas.” We begin to address this call in the research through our study.

Additionally, with lack of movement by the federal government on immigration legislation, individual states are increasingly attempting, in very uneven ways, to deal with immigration. With President Obama's recent executive action on immigration shielding up to five million undocumented immigrants from deportation, it is predicted that, increasingly, “Immigrants' Chances Depend on their State's Policies” as reported by a nationwide headline written a week after President Obama's executive action (Christie, 2014). State immigration policies can have significant consequences on immigrants, ranging from access (or lack thereof) to health care and the labor market (Becerra, Androff, Ayon, & Castillo, 2012; White, Yeager, Menachemi, & Scarinci, 2014) to fears of racial profiling (Kirk, Papachristos, Fagan, & Tyler, 2012). Thus, understanding state immigration policies and what factors determine these policies is increasingly topical and critical, both for contributing to the emerging literature on state immigration policies and to understanding on the ground consequences of these policies.

We first briefly discuss the existing literature on predictors of state immigration policy, then turn to providing background on Utah's recent immigration policies. We follow this with an overview of the Utah Compact, then turn to our methods and findings. Our primary data is from interviews of authors of the Utah Compact that focuses on their perceptions of the role of the Utah Compact and the LDS Church on immigration legislation passed in the state in 2011. We conclude by discussing the implications of our findings for research on predictors of state immigration.

1. Predictors of state immigration policies

Individual state legislatures are increasingly taking on immigration policy themselves as they attempt to manage immigration issues within their states. With these actions has come a growing body of literature that examines predictors of state immigration policy. Within this emergent literature, several primary variables emerge as significant predictors of state policies which are relevant to this study. These include: (1) the state's foreign born growth rate, (2) voter ideology/partisanship, (3) level of legislative professionalism, and (4) policy diffusion. We briefly discuss each below.

1.1. Foreign born growth rate

Most researchers find restrictive immigration state policies are associated with high rates of growth of the foreign born. For example, Newman, Johnston, Strickland, and Citrin (2012) in their analysis of variations in e-verify policy adoption across the 50 states² find that the significant predictor in whether states adopt this enforcement policy is proportionate change in a state's immigrant population. States with small immigration populations in 1990 that experienced a large influx of immigrants between 1990 and

¹ These include Maine (Richardson, 2011), Kansas (Adams, 2011), Indiana (Noorani, 2012), Iowa (Montero, 2011a), Colorado (Lunning, 2012), Texas (Mosqueda, 2013), and Washington (Brunell & Gempler, 2013).

² E-verify laws require or strongly incentivize employers to “electronically verify newly hired employees' citizenship status and employment eligibility” (Newman et al., 2012, p. 161).

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